

AMENDMENTS TO THE DRAWINGS

Please replace originally filed Figures 1, 2, 4, and 7, and Figures 3, 5, and 6 as amended on March 26, 1998, with new Figures 1-7 (sheets 1-1) submitted concurrently herewith.

REMARKS**Amendments to the Drawings**

Applicants have amended the drawings to replace originally-filed Figures 1, 2, 4 and 7, and Figures 3, 5 and 6 as amended on March 26, 1998, with new Figures 1-7 (sheets 1-11) submitted concurrently herewith. The subject matter of original Figures 1-7 has been enlarged, the margins corrected, and the line quality improved in response to the objections to the drawings indicated in the April 14, 1998 Notice of Draftperson's Patent Drawing Review. The subject matter of original Figure 1 is encompassed by new Figures 1A and 1B. The subject matter of original Figure 2 is encompassed by new Figures 2A-2C. The subject matter of original Figure 4 is encompassed by new Figures 4A and 4B.

No new matter is added by new Figures 1-7. Their entry is respectfully requested.

Amendments to the Specification

Applicants have amended the specification to refer to amended Figures 1A and 1B, Figures 2A-2C, and Figures 4A and 4B.

No new matter is added by these amendments. Their entry is respectfully requested.

Amendments to the Claims

Applicants have amended claim 1 to replace the phrase "capable of expressing" with the phrase "which expresses," and have amended claim 5 to replace the phrase "capable of expressing" with the phrase "expresses."

Applicants expressly reserve the right to pursue any canceled or deleted subject matter in subsequent applications that claim the benefit of the subject application.

None of these amendments adds new matter. Their entry is respectfully requested. Upon entry of the amendments, claims 1-13 will be under examination in this application.

Claim Rejections under 35 U.S.C. § 112, second paragraph – Indefiniteness

Claims 1-8 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for reciting the expression “capable of.” According to the Examiner, the expression “capable of” in claims 1 and 5 “implies that the [claimed] nucleic acid or vector is capable of expressing the protein under some circumstances and incapable of expressing it under other undisclosed circumstances.” The Examiner states, “[r]edrafting the claims to recite a ‘nucleic acid sequence **which** expresses’ or a ‘vector **which** expresses’ would be remedial. Office Action, pp. 2-3.

Without conceding the correctness of this rejection, applicants have amended claim 1 to replace the phrase “capable of expressing” with the phrase “which expresses,” as suggested by the Examiner, and have similarly amended claim 5 to replace the phrase “capable of expressing” with the phrase “expresses.” Accordingly, claims 1 and 5, and claims 2-4 and 6-8 dependent therefrom, are not indefinite. Applicants respectfully request reconsideration and withdrawal of this rejection.

Objections to the Figures

The Examiner has objected to originally-filed Figures 1-7 for having unacceptable top and left margins, possessing poor line quality, and comprising numbers, letters and reference characters that are less than 0.32 cm in height. In response, applicants submit herewith Substitute Figures 1-7 (sheets 1-11), which address these objections. Applicants respectfully request reconsideration and withdrawal of this objection.

CONCLUSION

The Commissioner is hereby authorized to charge payment of any fees required in connection with filing of these papers to Applicants' Deposit Account No. 19-0365.

If the undersigned can be of assistance in advancing the application to allowance, please contact the undersigned at the number set forth below.

Respectfully submitted,

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